

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
425 .....	10:6224.	[None.]

The words “do not forfeit” are substituted for the words “lose no” for clarity.

## DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of Defense, see section 1(14) of Ex. Ord. No. 11390, Jan. 22, 1968, 33 F.R. 841, set out as a note under section 301 of Title 3, The President.

## [§ 426. Repealed. Pub. L. 90-377, § 10, July 5, 1968, 82 Stat. 288]

Section, Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 480, provided for payment to persons confined in a naval confinement facility under sentence of a court-martial of not more than \$3 a month for necessary expenses, such payments to be made from appropriations for pay of Navy or Marine Corps.

## § 427. Family separation allowance

(a) ALLOWANCE EQUAL TO BASIC ALLOWANCE FOR QUARTERS.—In addition to any allowance or per diem to which he otherwise may be entitled under this title, a member of a uniformed service with dependents who is on permanent duty outside of the United States, or in Alaska, is entitled to a monthly allowance equal to the basic allowance for quarters payable to a member without dependents in the same pay grade if—

(1) the movement of his dependents to his permanent station or a place near that station is not authorized at the expense of the United States under section 406 of this title and his dependents do not reside at or near that station; and

(2) quarters of the United States or a housing facility under the jurisdiction of a uniformed service are not available for assignment to him.

(b) ADDITIONAL SEPARATION ALLOWANCE.—(1) In addition to any allowance or per diem to which he otherwise may be entitled under this title, including subsection (a), a member of a uniformed service with dependents is entitled to a monthly allowance equal to \$75 if—

(A) the movement of his dependents to his permanent station or a place near that station is not authorized at the expense of the United States under section 406 of this title and his dependents do not reside at or near that station;

(B) he is on duty on board a ship away from the home port of the ship for a continuous period of more than 30 days; or

(C) he is on temporary duty away from his permanent station for a continuous period of more than 30 days and his dependents do not reside at or near his temporary duty station.

(2) A member who becomes entitled to an allowance under this subsection by virtue of duty prescribed in subparagraph (B) or (C) of paragraph (1) for a continuous period of more than 30 days is entitled to the allowance effective as of the earlier of—

(A) the first day of that period; or

(B) the first day the member ceased being entitled to a previous allowance under this subsection by reason of the end of duty prescribed in such subparagraphs, if the member ceased being entitled to the previous allowance within 30 days before the first day of that period.

(3) An allowance is payable under this subsection even though the member does not maintain for his primary dependents who would otherwise normally reside with him, a residence or household, subject to his management and control, which he is likely to share with them as a common household when his duty assignment permits.

(4) A member who elects to serve a tour of duty unaccompanied by his dependents at a permanent station to which the movement of his dependents is authorized at the expense of the United States under section 406 of this title is not entitled to an allowance under this subsection. The Secretary concerned may waive the preceding sentence in situations in which it would be inequitable to deny the allowance to the member because of unusual family or operational circumstances.

(Added Pub. L. 88-132, § 11(1), Oct. 2, 1963, 77 Stat. 217; amended Pub. L. 91-529, § 1, Dec. 3, 1970, 84 Stat. 1389; Pub. L. 91-533, § 1, Dec. 7, 1970, 84 Stat. 1392; Pub. L. 96-342, title VIII, § 809(a), Sept. 8, 1980, 94 Stat. 1097; Pub. L. 99-145, title VI, § 607(a), Nov. 8, 1985, 99 Stat. 639; Pub. L. 99-661, div. A, title VI, § 618(a), Nov. 14, 1986, 100 Stat. 3880; Pub. L. 102-25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 102-190, div. A, title VI, §§ 611(b), 625, Dec. 5, 1991, 105 Stat. 1376, 1379; Pub. L. 103-337, div. A, title VI, § 625(a), Oct. 5, 1994, 108 Stat. 2785.)

## AMENDMENTS

1994—Subsec. (b)(2). Pub. L. 103-337, § 625(a)(3), added par. (2). Former par. (2) redesignated (3).

Pub. L. 103-337, § 625(a)(1), struck out at beginning “A member who becomes entitled to an allowance under this subsection by virtue of duty described in subparagraph (B) or (C) of paragraph (1) for a continuous period of more than 30 days is entitled to the allowance effective as of the first day of that period.”

Subsec. (b)(3), (4). Pub. L. 103-337, § 625(a)(2), redesignated pars. (2) and (3) as (3) and (4), respectively.

1991—Subsec. (a). Pub. L. 102-190, § 625(b)(1), inserted heading.

Subsec. (b). Pub. L. 102-190, § 625(b)(2), inserted heading.

Subsec. (b)(1). Pub. L. 102-190, § 625(a), substituted “\$75” for “\$60”.

Pub. L. 102-190, § 611(b), substituted “In” for “Except in time of war or of national emergency hereafter declared by Congress, and in”.

Pub. L. 102-25 struck out “of this section” after “subsection (a)”.

1986—Subsec. (b). Pub. L. 99-661, § 618(a), designated existing provisions as pars. (1) and (2), in par. (1) redesignated former pars. (1) to (3) as subpars. (A) to (C), respectively, and in par. (2) substituted “subparagraph (B) or (C) of paragraph (1)” for “clause (2) or (3)”, and added par. (3).

1985—Subsec. (b). Pub. L. 99-145 substituted “\$60” for “\$30”.

1980—Subsec. (b). Pub. L. 96-342 struck out “(other than a member in pay grade E-1, E-2, E-3, or E-4 (4 years’ or less service))” after “a member of a uniformed service with dependents”.